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FILED
DISTRICT COURT OF GUAM
NOV 28 2006
MARY L.M. MORAN
CLERK OF COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

23 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rule
24 16.1 for the District Court of Guam, the parties hereby submit the following Scheduling Order
25 and Discovery Plan:

26 1. Nature of the Case. This is a complaint for wrongful death filed against the United
27 States under the Federal Tort Claims Act.

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1 2. **Posture of the Case.**

2 (a) There are no motions on file.
3 (b) The following motions have been resolved: **None to date.**
4 (c) The following discovery has been initiated: **None.**

5
6 3. **Motions to Amend.** All motions to amend the pleadings shall be filed on or before
7 **Friday, March 30, 2007.**

8
9 4. **Motions to Add Parties:** All motions to add parties shall be filed on or before **Friday,**
10 **January 26, 2007.**

11
12 5. **Discovery Plan.** The following is the description and schedule of all pretrial discovery
13 each party intends to initiate prior to the close of discovery:

14
15 (a). **Initial Disclosures:** The times for disclosures under Rules 26(a) and 26(e) of the
16 Federal Rules of Civil procedure are modified as follows:
17 26(a)(1) - within 30 days from the date of this order.

18
19 (b). **Depositions:** To be scheduled.

20
21 (c). **Written Discovery:** Each party may propound interrogatories and requests to
22 produce and requests for admissions within the limits set by the Federal Rules of Civil
23 Procedure. If either party determines that it needs to propound more discovery than
24 permitted by the Rules, the parties will confer in good faith to accommodate reasonable
25 discovery requests prior to the filing of any motion relating to a discovery dispute.

(d). **Discovery Cutoff**. The discovery cutoff date (defined as the last date to file responses to discovery) shall be **Friday, September 7, 2007**.

(e). Expert Discovery:

1. The disclosures of expert testimony required under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than **Friday, October 5, 2007**.

2. Any designation of rebuttal expert testimony under Rule 26(a)(2) shall be made no later than **Friday, November 2, 2007**.

3. The depositions of experts may be scheduled at any time at least 20 days subsequent to the submission of rebuttal reports and the depositions of said experts shall be completed no later than **Friday, November 30, 2007**.

6. Motions.

(a) The anticipated discovery motions are: **None are anticipated at this time.**

All discovery motions shall be filed on or before **Friday, October 26, 2007**, and heard on **Friday, November 30, 2007**.

(b) The anticipated dispositive motions are: **Unknown at this time.**

All dispositive motions shall be filed on or before **Friday, December 28, 2007**, and heard on or before **Friday, January 11, 2008**.

7. Settlement. Defendant represents that the prospect for settlement is unlikely.

However, Plaintiff believes settlement is quite possible and should be discussed.

1 8. Preliminary Pretrial Conference. The preliminary pretrial conference shall be held
2 on Friday, February 1, 2008 *at 10:30 a.m. - Jny*

3
4 9. Pretrial Filings. The parties' pretrial materials, discovery materials, witness lists,
5 exhibit lists, and designation of discovery responses shall be filed on or before **Friday, February**
6 **8, 2008.**

7
8 10. Pretrial Order. The proposed pretrial order shall be filed on or before **Friday,**
9 **February 8, 2008.**

10
11 11. Final Pretrial Conference. The final pretrial conference shall be held on **Tuesday,**
12 **February 19, 2008** *at 10:30 a.m. - Jny*

13
14 12. Trial. Trial shall commence at 9:00 *Jny* a.m. **Monday, February 25, 2008.**

15
16 13. Jury. This is a trial to the Court. No jury.

17
18 14. Anticipated Trial Time. It is anticipated that it will take approximately 7 to 10
19 days to try this case.

20
21 15. Identity of Counsel. The counsel involved in this case are:

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23 Teker torres & Teker, P.C.
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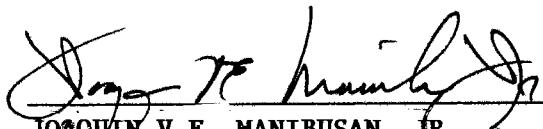
26 Mikel W. Schwab - Assistant U.S. Attorney for the United States.
27 U.S. Attorney's Office
28 Sirena Plaza, Suite 500
29 108 Hernan Cortez Avenue
30 Hagatna, GU 96910

1 16. Settlement Conference: Defendant does not wish to submit this case to a Settlement
2 Conference. Plaintiff believes a Settlement Conference is in order and a potential referral to
3 court ordered mediation may assist the parties to a mutually beneficial resolution of this matter.
4

5 17. Suggestions for Shortening Trial. The parties will explore stipulations as to
6 undisputed facts.
7

8 18. Case Management Issues: None at this time.
9

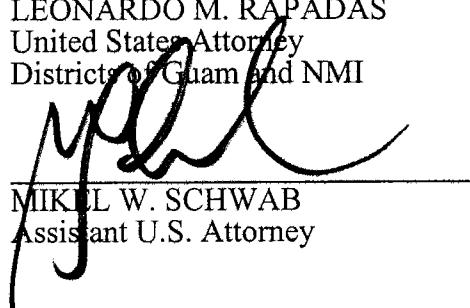
10 DATED this 28th day of November 2006.
11

12 
13 JOAQUIN V.E. MANIBUSAN, JR.
14 U.S. MAGISTRATE JUDGE
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NOV 14 2006
DISTRICT COURT OF GUAM
HAGATNA, GUAM

1 APPROVED AS TO FORM AND CONTENT:
2

3 LEONARDO M. RAPADAS
4 United States Attorney
Districts of Guam and NMI

5 
6 MIKEL W. SCHWAB
7 Assistant U.S. Attorney

8 DATED: 11/14/06

JOSEPH C. RAZZANO, Esq.
Attorney



DATED: 11/14/06